



Home Office

# Country Policy and Information Note

## Bangladesh: Actors of protection

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# Executive summary

Bangladesh is party to most major international instruments on human rights and its constitution and legislation aim to protect personal security and safeguard human rights. Laws, including the penal code, are in place to punish criminal behaviour.

However, corruption is widespread within the police and there are credible reports of human rights violations committed by law enforcement agencies, with impunity.

Political interference in the judiciary compromises its independence, corruption and bribes are prevalent throughout the court system, especially in lower courts, and delays and backlogs limit the justice process.

In general, the state is able to provide effective protection. However, the willingness of the authorities to protect will depend on the profile of the person, in particular their links with the ruling party. Each case must be considered on its facts.

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# Assessment

## About the assessment

This section considers the evidence relevant to this note – that is information in the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general** a person is able to obtain protection from the state (or quasi state bodies)

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

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## 1. Material facts, credibility and other checks/referrals

### 1.1 Credibility

1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

1.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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### 1.2 Exclusion

1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).

1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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### **2. Protection**

- 2.1.1 In general, the state is able to provide effective protection. However, the willingness of the authorities to protect will depend on the profile of the person, in particular their links with the ruling party. Most reports on human rights violations by law enforcement agencies focus on the treatment of political opponents or those perceived as such. Therefore, it can be difficult to differentiate between the treatment of those seen as dissenting and the treatment of the general population.
- 2.1.2 Decision makers should consult the relevant [Bangladesh Country Policy and Information Notes](#) for information on the willingness of the state to protect particular profiles, such as affiliates to political parties, sexual minorities, religious minorities, women, and journalists and bloggers. Each case must be considered on its facts. The onus is on the person to demonstrate that they would not be able to seek and obtain effective state protection.
- 2.1.3 The constitution provides for equal protection of the law, the right to personal liberty and security, freedom from torture and from cruel, inhuman and degrading treatment or punishment. Laws are in place to safeguard human rights, and to investigate, prosecute and punish criminal acts. Bangladesh has ratified 8 of the 9 core international human rights instruments (see [Legal framework](#)).
- 2.1.4 There are several branches of the police such as the Metropolitan Police, Range Police (outside of metropolitan areas), Railway Police, Highway Police, Immigration Police and others. There are also specialised organisations that include the Rapid Action Battalion (RAB), the Criminal Investigation Department, the Special Branch, and the Armed Police Battalion. Professionalism varies across the police service. Law enforcement officials are trained by national and international organisations. Senior officers are relatively well trained and well paid, whilst those in lower ranks are poorly paid, poorly trained and poorly equipped, according to Australia's Department of Foreign Affairs and Trade (DFAT). As of January 2021, there were 191,295 police personnel, including 15,163 female officers (see [Security apparatus](#) and [Police efficacy](#)).
- 2.1.5 Corruption and bribery is widespread within Bangladesh Police. The police force is regarded as the most corrupt institution and it shares a close connection with the government, who are reported to use law enforcement agencies as a tool to suppress political opposition and dissent. The government has claimed that the people's confidence and trust in the police have improved significantly and that the police has made progress in developing a more 'people-friendly image.' However, it is reported that most people do not trust the police, given their reputation for corruption and violence. A Transparency International Bangladesh survey for the period

December 2020 to November 2021 found about 74% of households surveyed had experienced corruption by law enforcement agencies and over 55% had to pay a bribe for services at police stations (see [Police efficacy](#), [Corruption](#), [Human rights violations](#) and [Accountability and impunity](#)).

- 2.1.6 Credible sources report that security agencies, particularly the RAB, Detective Branch (DB) of police and intelligence services, employ torture and other cruel, inhuman, or degrading treatment or punishment, with impunity. Security agencies use torture to gather information from alleged militants and members of political opposition parties. Law enforcement agencies use both physical and psychological torture as a tool of interrogation or punishment, particularly against those perceived as political opponents. According to the Bangladesh human rights group, Odhikar, 10 people were tortured to death whilst in custody in 2022, 8 in 2021 and 19 in 2020, and that such deaths are often covered up as suicides. In December 2021, the US announced sanctions against the RAB 'for being a foreign entity that is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse' (see [Rapid Action Battalion \(RAB\)](#) and [Torture and ill-treatment](#)).
- 2.1.7 Police abuse their powers of arrest and detention (see [Arrest and detention](#)). Police make arbitrary arrests, although the majority of reporting shows that such arrests are usually politically-motivated, often occurring during large scale demonstrations where excessive force is also reportedly used by security forces and [Arbitrary arrest and detention](#)).
- 2.1.8 There are consistent reports of enforced disappearance, mostly against political opponents and critics. An August 2021 Human Rights Watch report found credible and consistent evidence that Bangladesh security forces routinely commit enforced disappearances (both short- and long-term), and data indicates that the RAB is responsible for more enforced disappearances in Bangladesh than any other unit. Though such disappearances reportedly decreased following US sanctions against the RAB, human rights organisations continue to document cases of enforced disappearance, victims of whom are often critics of the government. It is estimated that 610 persons have disappeared since the Awami League came to office in 2009 (see [Enforced disappearances](#)).
- 2.1.9 Law enforcement agencies, including the police, the Detective Branch, Border Guard Bangladesh and the RAB, reportedly committed extrajudicial killings, which are often defined as 'crossfire killings', 'gunfights', or 'encounter killings', terms used to describe a conflict set up by security forces that results in the death of the victim and plausible deniability for the perpetrator. Odhikar documented 1,220 cases between June 2018 and December 2022, although it is difficult to ascertain exact numbers due to difficulties victims' families face in reporting cases to the authorities. Fewer extrajudicial killings occurred in 2022 compared to 2021 (see [Extrajudicial killings](#)).
- 2.1.10 According to police policy, all significant uses of force by police, including actions that resulted in serious physical injury or death, trigger an automatic internal investigation, usually by a professional standards unit that reports directly to the Inspector General of Police. Human rights groups however

express scepticism over the independence of the professional standards units conducting these assessments and the government has neither released statistics on total killings by security personnel nor taken comprehensive measures to investigate cases. In the few known instances in which the government brought charges, those found guilty generally received only administrative punishment. The National Human Rights Commission (NHRC), tasked to investigate human rights abuses is also considered to be politically influenced and lacking in transparency (see [Avenues of redress](#)).

- 2.1.11 Some people resort to so-called 'mob justice' due to a lack of confidence in law enforcement agencies and the judiciary and, according to the International Federation for Human Rights (FIDH), the police generally fail to intervene (see ['Mob justice'](#)).
- 2.1.12 The law provides for an independent judiciary, but political interference compromise its independence. Separation between the executive and the judiciary has eroded significantly as the government has expanded its control over the lower courts. Alleged interference involves judicial appointments and judges sometimes rule based on influence from or loyalty to political patronage networks, particularly in politically motivated cases. The problem is worse in the lower courts than the higher courts (See Rule of law and the judiciary: [Independence](#)).
- 2.1.13 Corruption and bribes are prevalent throughout the court system, especially in lower courts, and delays and backlogs limit the justice process. Access to justice is likely to be more difficult for poorer and marginalised communities, though the UN Country Team in Bangladesh stated in 2022 that access to village courts is available to over 21 million people, though these alternative justice mechanisms have been criticised for failing to respect fair trial rights. Legal aid is available although in practice may be difficult to obtain due to bureaucracy and funding constraints. There is no witness protection (see [Fair trial and access to justice](#) and [Witness protection](#)).
- 2.1.14 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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# Country information

## About the country information

This contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

The structure and content of this section follow a [terms of reference](#) which sets out the general and specific topics relevant to the scope of this note.

Decision makers must use relevant COI as the evidential basis for decisions.

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## 3. Legal framework

### 3.1 Constitution and national legislation

- 3.1.1 Equality before law, equal protection of the law, the right to personal liberty and security, freedom from torture and from cruel, inhuman and degrading treatment or punishment and the right to an effective remedy in case of violation are fundamental rights in Part III of the [Constitution of the People's Republic of Bangladesh](#)<sup>1</sup>.
- 3.1.2 Laws safeguarding human rights include: The Dowry Prohibition Act (2018), Child Marriage Restraint Act (2017), the Children Act (2013), Persons with Disabilities' Rights and Protection Act (2013), the Torture and Custodial Death Prevention Act (2013), the Prevention and Suppression of Human Trafficking Act (2012), the Vagrants and Shelterless Persons Act (2011), the Deoxyribonucleic Acid (DNA) Act 2014, the Maintenance of Parents Livelihood Act 2013, the Overseas Employment and Migration Act 2013, the Domestic Violence Prevention and Protection Rules 2013, Workers of Public Industries for the Production of Goods (Service Condition) Act, the Consumer Rights Preservation Act 2009, the Mobile Court Act 2009, and the Right to Information Act 2009<sup>2</sup>.

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### 3.2 Penal laws

- 3.2.1 [The Penal Code 1860](#) refers to the laws concerning crimes and their punishment<sup>3</sup>. [The Code of Criminal Procedure 1898](#) regulates the procedures the investigation of crime, apprehension of suspected criminals, collection of evidence, determination of guilt or innocence of the accused person and the determination of punishment of the guilty<sup>4</sup>.

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### 3.3 International human rights treaties

- 3.3.1 Bangladesh has ratified 8 of the 9 core international human rights

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<sup>1</sup> Bdlaws, '[Constitution of the People's Republic of Bangladesh](#)', 1972

<sup>2</sup> OHCHR, '[Common Core Document forming part of the reports of State Parties](#)', 23 July 2019

<sup>3</sup> Bdlaws, '[The Penal Code 1860](#)', 6 October 1860

<sup>4</sup> Bdlaws, '[The Code of Criminal Procedure 1898](#)', 22 March 1898

instruments<sup>5</sup>.

International human rights instrument	Ratification/ Accession
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	1979
International Covenant on Civil and Political Rights (CCPR)	2000
International Covenant on Economic, Social and Cultural Rights (CESCR)	1998
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	1984
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1998
Convention on the Rights of the Child (CRC)	1990
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)	2011
International Convention for the Protection of All Persons from Enforced Disappearance (CED)	-
Convention on the Rights of Persons with Disabilities (CRPD)	2007

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## 4. Security apparatus

### 4.1 Police

- 4.1.1 The Bangladesh Police is the country's core law enforcement agency, administered by the Ministry of Home Affairs. Its role is maintaining law and order of the state and ensuring security of public life and property<sup>6</sup>. According to The Business Standard, as of January 2021, there were 191,295 police personnel, including 15,163 female officers<sup>7</sup>.
- 4.1.2 There are several branches of the police including the Metropolitan Police, Range Police (who operate outside metropolitan areas), Railway Police, Highway Police, Tourist Police, Anti-Terrorism Unit<sup>8</sup>, and the Immigration Police<sup>9</sup>. The force also consists of a number of specialised organisations that include the [Rapid Action Battalion \(RAB\)](#), the Criminal Investigation Department, the Special Branch, and the Armed Police Battalion<sup>10</sup>.
- 4.1.3 According to an April 2022 article by daily newspaper, Prothom Alo, there were 659 police stations across the country<sup>11</sup>.

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### 4.2 Rapid Action Battalion (RAB)

- 4.2.1 The Rapid Action Battalion (RAB), a counter-terrorism paramilitary force,

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<sup>5</sup> OHCHR, '[UN Treaty body database: Ratification status by country](#)' (Bangladesh), no date

<sup>6</sup> Bangladesh Police, '[History](#)', no date

<sup>7</sup> The Business Standard, '[Women in police: Participation increases, but not...](#)', 8 March 2021

<sup>8</sup> Bangladesh Police, '[Bangladesh Police](#)' (About Us – Units), no date

<sup>9</sup> Immigration Bangladesh Police, '[About us](#)', no date

<sup>10</sup> DFAT, '[Country Information Report Bangladesh](#)' (paragraph 5.4), 22 August 2019

<sup>11</sup> Prothom Alo, '[PM Hasina asks police to earn people's confidence, trust](#)', 10 April 2022

was formed in 2004<sup>12</sup> <sup>13</sup>. The Atlantic Council noted in December 2021 that the RAB was organised into 15 battalions of at least 15,000 personnel<sup>14</sup>. Its officers are seconded from the Bangladesh police and the country's armed forces, including the army, navy, air force, border guards and Bangladesh Ansar (a paramilitary force<sup>15</sup>)<sup>16</sup>. According to Al Jazeera, although RAB was headed by a senior police officer and accountable to the Ministry of Home Affairs, '... the military has significant influence and control over its activities, with military officers taking many of the most senior positions within it.'<sup>17</sup>

See also [Human rights violations](#)

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## 5. Levels of crime and violence

### 5.1 Nature and rates

5.1.1 For context, the total land area of Bangladesh is 130,170 sq km<sup>18</sup>, and the population of Bangladesh was estimated to be 169.8 million in 2022<sup>19</sup>.

5.1.2 According to the latest available crime statistics (from 2020), provided by the Bangladesh Bureau of Statistics (BBS) and attributed to the Bangladesh Police, there were a total of 187,926 registered crimes, including 3,539 murders and 486 kidnappings<sup>20</sup>.

5.1.3 According to a report by the US Overseas Security Advisory Council (OSAC), dated July 2023:

'Mugging, burglary, financial scams, and petty drug crimes comprise most criminal activity in Dhaka and other major cities in Bangladesh. These crimes tend to be situational, based on time and location. Homicides, sexual assaults, robberies, and residential break-ins occur but do not exceed average levels in major U.S. cities. Violent crime tends to be situational, with most perpetrators having some level of familiarity with victims, as opposed to random criminal acts.'<sup>21</sup>

5.1.4 Since the 2016 terrorist attack at the Holey Artisan Bakery, which killed 24 people, no attacks on a similar scale have been reported. Following that incident, counterterrorism efforts increased and terrorist activity from Islamic militants has decreased<sup>22</sup> <sup>23</sup> <sup>24</sup>.

5.1.5 According to statistics provided by the South Asia Terrorism Portal (SATP), a website tracking 'terrorism and low intensity warfare' in South Asia, hosted

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<sup>12</sup> Al Jazeera, '[Rapid Action Battalion: Bangladesh's notorious paramilitary force](#)', 3 February 2021

<sup>13</sup> DFAT, '[Country Information Report Bangladesh](#)' (paragraph 4.1), 30 November 2022

<sup>14</sup> Atlantic Council, '[US sanctions on Bangladesh's RAB: What happened?...](#)', 16 December 2021

<sup>15</sup> Bangladesh Ansar and VDP, '[About us](#)', no date

<sup>16</sup> FIDH, '[Out of control - Human rights and rule of law crises...](#)' (page 8), December 2021

<sup>17</sup> Al Jazeera, '[Rapid Action Battalion: Bangladesh's notorious paramilitary force](#)', 3 February 2021

<sup>18</sup> CIA World Factbook, '[Bangladesh](#)' (Geography), 11 October 2023

<sup>19</sup> BBS, '[Population and Housing Census 2022, Post Enumeration Check \(PEC\)...](#)', 18 April 2023

<sup>20</sup> BBS, '[Statistical Pocketbook 2020](#)' (pages 146 to 147), May 2021

<sup>21</sup> US OSAC, '[Bangladesh Country Security Report](#)', 5 July 2023

<sup>22</sup> Freedom House, '[Freedom in the World 2023: Bangladesh](#)' (F3), 2023

<sup>23</sup> DFAT, '[Country Information Report Bangladesh](#)' (paragraph 2.35), 30 November 2022

<sup>24</sup> US OSAC, '[Bangladesh Country Security Report](#)', 5 July 2023

by the non-profit Institute for Conflict Management<sup>25</sup>, as of 8 August 2023 there were 149 ‘terrorism related incidents’ in Bangladesh, compared to 64 in 2022, 75 in 2021, and 88 in 2020<sup>26</sup>. SATP did not define ‘terrorism related incidents’.

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## 6. Capabilities of law enforcement agencies

### 6.1 Police efficacy

6.1.1 According to Australia’s Department of Foreign Affairs and Trade (DFAT) country information report on Bangladesh, dated November 2022, which was based on a range of sources, ‘Professionalism varies across the police service. Senior officers are relatively well trained and well paid. Those in lower ranks by contrast are poorly paid, poorly trained and poorly equipped. Low incomes encourage corruption and solicitation of bribes is common. Rules designed to ensure accountability and probity (for example, limits on police arrest or ability to hold suspects...) are not always adhered to.’<sup>27</sup>

See also [Accountability and impunity](#)

6.1.2 Training is provided to new recruits and incumbent personnel at the [Bangladesh Police Academy](#) and the [Police Staff College Bangladesh](#).

6.1.3 A 2022 USAID report noted that the International Criminal Investigative Training Assistance Program (ICITAP), a US government initiative, ‘... has provided training through the community-policing program for over 20,000 law enforcement officials since 2011. The community policing program focuses on increasing the capacity of Bangladeshi police to adopt new community-oriented practices and serve their communities more effectively. Trainings are mainly offered through the Bangladesh Police Academy.’<sup>28</sup>

6.1.4 Relating to violent extremism and countering terrorism, the UN Office on Drugs and Crime (UNODC) stated in June 2023 that ‘In recent years, UNODC has been working closely with Bangladesh Police to improve the country’s criminal justice system and build counter-terrorism capacities. This joint initiative has focused on enhancing the capacity of law enforcement agencies to better investigate and prosecute terrorist activities, strengthening border management, and promoting inter-agency cooperation in counter-terrorism efforts.’<sup>29</sup>

6.1.5 A report by the Government of Bangladesh (GoB) to the Working Group on the Universal Periodic Review (UPR), dated 1 September 2023, noted that ‘During the 2018-2022 period, 87,300 LEA [law enforcement agency] personnel were trained by 873 courses on human rights issues.’<sup>30</sup>

6.1.6 In April 2022, a ‘Service Desk’ was opened at all police stations to cater for

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<sup>25</sup> SATP, ‘[About Us](#)’, no date

<sup>26</sup> SATP, ‘[Datasheet Bangladesh: Number of Terrorism Related Incidents Year Wise](#)’, 8 August 2023

<sup>27</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 5.2), 30 November 2022

<sup>28</sup> USAID, ‘[Final Report: Assessment of Rule of Law and Justice Sector...](#)’ (page 27), 12 March 2022

<sup>29</sup> UNODC, ‘[Bangladesh: UNODC promotes community policing approaches to...](#)’, 14 June 2023

<sup>30</sup> GoB, ‘[National report submitted pursuant to Human Rights...](#)’ (paragraph 82), 1 September 2023

women, children, the elderly and people with disabilities. The initiative was launched by Prime Minister Sheikh Hasina, who said “... today’s police have achieved trust and confidence of the people”.<sup>31</sup> In October 2022 the Inspector General of Police (IGP), declared ‘zero tolerance’ against corruption, adding that the police force was ‘accountable and committed to the public in all of its activities’ and that police stations would become ‘a place of public trust and confidence.’<sup>32</sup> In January 2023, the Prime Minister asked the police to ‘continue their service towards the people to sustain the public trust they have earned’, whilst lauding the Awami League’s achievements in turning the Bangladeshi Police into a ‘modern, people friendly’ force<sup>33</sup>.

- 6.1.7 In October 2023, the IGP called on field level police officers to ‘serve people impartially by performing duties with professionalism.’ According to The Business Standard, the IGP ‘... directed police officers to carry out their duties by maintaining good relations and coordination with all agencies at the field level. Reiterating the pledge to make the police station the main place of trust for police, he said that work should be done to make the police station the main institution for providing police services.’<sup>34</sup>

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## 6.2 Corruption

- 6.2.1 The USSD HR Report 2022 stated that:

‘According to international and local civil society, activists, and media, impunity was a pervasive problem in the security forces, including within but not limited to the RAB, Border Guards Bangladesh, Detective Branch of Police, and other units. Politicization of crimes, corruption, and lack of independent accountability mechanisms were significant factors contributing to impunity, including for custodial torture. While police are required to conduct internal investigations of all significant abuses, civil society organizations alleged investigative mechanisms were not independent and did not lead to justice for victims.’<sup>35</sup>

- 6.2.2 The DFAT report noted that:

‘Bribes are sometimes paid to influence outcomes of investigations, or to cause an investigation to occur, or not to occur. Allegedly, demands for bribes, or the threat or act of violence, may also be used to apply political pressure, according to sources. Political patronage may also affect outcomes of police complaints; for example, a complaint is more likely to be investigated if an influential person intervenes on behalf of the complainant.’<sup>36</sup>

- 6.2.3 According to Freedom House’s Freedom in the World 2023 report, covering 2022, ‘Criminal cases against AL [Awami League – the ruling party] activists are regularly withdrawn on the grounds of “political consideration,”

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<sup>31</sup> Prothom Alo, ‘[PM Hasina asks police to earn people's confidence, trust](#)’, 10 April 2022

<sup>32</sup> New Age Bangladesh, ‘[Police station to be place of public trust: IGP](#)’, 5 October 2022

<sup>33</sup> The Business Standard, ‘[Keep serving the people to sustain public trust: PM...](#)’, 3 January 2023

<sup>34</sup> The Business Standard, ‘[IGP asks police to ensure service with professionalism](#)’, 17 October 2023

<sup>35</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1C), 20 March 2023

<sup>36</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 5.3), 30 November 2022

undermining the judicial process and entrenching a culture of impunity...'<sup>37</sup>

- 6.2.4 A national survey of 15,454 households conducted by Transparency International Bangladesh (TIB), which represented respondents' experience of corruption in the service sector during the period from December 2020 and November 2021<sup>38</sup>, found that law enforcement agencies ranked the most corrupt institution, with 74.4% of households having experienced corruption in this sector overall<sup>39</sup>. Whilst traffic police and highway police were found to be the most corrupt law enforcement agencies, 67.4% of households had experienced corruption at police stations, where 55.7% of whom had to pay a bribe of, on average, 8,709 Bangladeshi Taka (around £62<sup>40</sup>)<sup>41</sup>. Most households (92.8%) experienced corruption for what TIB described as 'arrest-related interactions.'<sup>42</sup>
- 6.2.5 The TIB survey found that most victims of overall corruption (79.14%) did not file a complaint, primarily to avoid trouble, harassment and negative outcomes, or because corruption was accepted as common practice. And for those that did complain, in most cases (72.3%) no action was taken by the authority/institution<sup>43</sup>.
- 6.2.6 In October 2022 Omar Faruk, a professor of the criminology and police science department at Mawlana Bhashani Science and Technology University, told The Daily Star that 'Field-level police personnel in most cases demand bribes to file cases, take money from victims and act according to politically connected or influential people's bidding while registering cases and making arrests. Police officials also get transferred or promoted in exchange for bribes...'<sup>44</sup>

See also [Human rights violations](#) and [Accountability and impunity](#)

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### 6.3 Ability to locate 'wanted' persons and information sharing between agencies

#### 6.3.1 The DFAT report noted that:

'Police systems are highly bureaucratic, and this can lead to slow or ineffective responses to crime. DFAT understands that the national system of policing can be effective, for example in finding suspects in different parts of the country, but that this is not always the case... Whether or not a person who flees to another part of the country would be found by police depends on the nature of the crime and how motivated the police were to find them, and could be affected by corruption and levels of professionalism.'<sup>45</sup>

#### 6.3.2 The IRB noted in regard to the sharing of information by the police with other law enforcement agencies that:

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<sup>37</sup> Freedom House, '[Freedom in the World 2023: Bangladesh](#)' (F2), 2023

<sup>38</sup> TIB, '[National Household Survey 2021](#)' (page 10 of English Exec Summary), 31 August 2022

<sup>39</sup> TIB, '[National Household Survey 2021](#)' (pages 13, 23, of English Exec Summary), 31 August 2022

<sup>40</sup> Xe.com, '[Currency Converter](#)', as at 17 August 2023

<sup>41</sup> TIB, '[National Household Survey 2021](#)' (page 23 of English Exec Summary), 31 August 2022

<sup>42</sup> TIB, '[National Household Survey 2021](#)' (page 23 of English Exec Summary), 31 August 2022

<sup>43</sup> TIB, '[National Household Survey 2021](#)' (page 21 of English Exec Summary), 31 August 2022

<sup>44</sup> The Daily Star, '[Errant cops: Leniency lends them impunity](#)', 4 October 2022

<sup>45</sup> DFAT, '[Country Information Report Bangladesh](#)' (paragraph 5.4), 30 November 2022

‘According to the Professor [of law] at the University of Dhaka, there is no national database with “all” FIRs [First Information Reports]; FIRs are produced in hardcopy and when an FIR is created, there are also two carbon copies produced with the first copy of an FIR being sent to the magistrate court in the district, the second copy to the chief police officer in the district, and the third copy kept at the police station (Professor at the University of Dhaka 29 Nov. 2021). The same source further stated that “sometimes” the police give the informant an “informal copy” of the FIR and an informant can also apply to the court for a certified copy indicating “in the object for which the copy is required” and if the court grants the application, the applicant upon payment of “prescribed fees” will receive a certified copy (Professor at the University of Dhaka 29 Nov. 2021). The source also noted that a third-party can obtain an FIR from the court on behalf of the informant when the third-party is able to “satisfy the court with ‘good reasons’” (Professor at the University of Dhaka 29 Nov. 2021). The Professor [of law] at a Bangladeshi university stated that police officers from one station can investigate or make an arrest on behalf of police in a different jurisdiction upon request from the police in the other jurisdiction if the accused is located in that jurisdiction (Professor at a university in Bangladesh 1 Dec. 2021).’<sup>46</sup>

6.3.3 According to DFAT, ‘Most people do not trust the police, given their reputation for corruption and violence.’<sup>47</sup>

6.3.4 DFAT’s report stated in regard to checks on persons exiting the country that:

‘The Department of Immigration and Passports conducts immigration checks and maintains a list of convicted criminals and persons wanted by security forces and intelligence agencies (exit control list). The department mostly uses the list to determine whether to issue passports but may also use it to prevent people from leaving the country. Authorities can also refuse to issue passports but the reasons that might prevent a person from leaving the country are not publicly available. DFAT is aware of people being detained trying to leave Bangladesh, including cases in which authorities have prevented both senior members of the BNP leadership and ordinary BNP members from leaving the country.

‘The Overseas Employment and Migrants Act (OEMA) 2013 makes it an offence to depart from Bangladesh other than in accordance with the procedures laid down in the Act. Bangladeshis require a valid passport and visas (depending on the destination country) to depart Bangladesh. The OEMA (like the previous 1982 ordinance) is designed to protect Bangladeshis from human trafficking (rather than to prosecute illegal exit or prosecute failed asylum applications, for example) and even those provisions are rarely enforced. It is unlikely that any person returning after a failed asylum attempt in Australia would be prosecuted under the legislation or the previous 1982 ordinance and DFAT is not aware of any cases of this happening.’<sup>48</sup>

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<sup>46</sup> IRB, ‘[Bangladesh: Requirements and procedures to file a complaint with the...](#)’, 4 January 2022

<sup>47</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 5.5), 30 November 2022

<sup>48</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraphs 5.20 to 5.21), 30 November 2022

## 6.4 Arrest and detention

- 6.4.1 As noted in the US Department of State's 2022 Country Reports on Human Rights Practices for Bangladesh (USSD HR Report 2022) 'The constitution requires arrests and detentions be authorized by a warrant or occur because of observation of a crime in progress, but the law grants broad exceptions to these protections.'<sup>49</sup>
- 6.4.2 For information on the execution of arrest warrants, including for people of have absconded, see Chapter VI of [The Code of Criminal Procedure 1898](#).
- 6.4.3 The USSD HR Report 2022 noted that 'Under the constitution detainees must be brought before a judicial officer to face charges within 24 hours, but this was not regularly enforced. The government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities sometimes held detainees for longer periods with impunity.'<sup>50</sup>
- 6.4.4 A joint report by the World Organisation Against Torture (OMCT) and Odhikar, a Dhaka based human rights organisation (OMCT July 2019 report), published in July 2019, noted:  
'Contrary to the Code of Criminal Procedure, a person may typically spend several days, and not just the legally ordained 24 hours, in remand without having been presented before a Magistrate. Through fact-finding investigations by Odhikar, and other human rights organisations, it has been found that in many cases these provisions in the Criminal Procedure Code are ignored and a person may be in custody for days, undergoing torture or ill treatment.'<sup>51</sup>
- 6.4.5 The UN Committee against Torture (UNCAT) noted in its August 2019 Concluding Observations on Bangladesh that:  
'Reports allege that individuals deprived of their liberty are not informed about the charges against them; not given prompt access to a qualified and independent lawyer from the very outset of their deprivation of liberty, nor access to legal aid immediately after arrest and during all stages of detention, including during interrogations and hearings; not given access to an independent medical examination within 24 hours of their arrival in a place of detention, free of charge and not in the presence of police officers, nor afforded the right to request and receive a medical examination conducted in confidentiality by an independent doctor of the detainee's choice; nor provided with the right to notify a family member or any other person of their own choice of their detention immediately after apprehension.'<sup>52</sup>
- 6.4.6 The UNCAT also noted its concern of reports of the failure to register cases of persons who were detained, that detainees were not brought before a judge within the prescribed legal time limits and that magistrates routinely authorise the detention of criminal suspects in interrogative custody for up to

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<sup>49</sup> USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 1D), 20 March 2023

<sup>50</sup> USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 1D), 20 March 2023

<sup>51</sup> OMCT, '[Cycle of fear...](#)', (page 26), July 2019

<sup>52</sup> UNCAT, '[Concluding observations on the initial report of...](#)' (paragraph 19), 26 August 2019

15 days without access to a lawyer<sup>53</sup>.

6.4.7 According to the USSD HR Report 2022:

‘There is a functioning bail system, but police routinely rearrested bailed individuals on other charges, despite directives from the Supreme Court’s Appellate Division prohibiting the rearrest of persons on new charges without first producing them in court.

‘Authorities generally permitted defense lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred weeks or months after the initial arrest. Detainees are legally entitled to counsel even if they cannot afford to pay for it, but the country lacked sufficient funds to provide this service. Many detainees were not permitted to communicate with others outside of detention.’<sup>54</sup>

See also [Arbitrary arrest and detention](#).

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6.5 ‘Mob justice’

6.5.1 A December 2021 report by the International Federation for Human Rights (FIDH), based on information gathered from online interviews with 20 individuals, including lawyers, journalists, NGO representatives, diplomats, and UN officials, as well as open source information, noted that:

‘As in other countries where the rule of law has been undermined and the public has lost confidence in law enforcement institutions or/and the judicial system, Bangladesh has witnessed frequent incidents of so-called “mob justice.” Mob justice related incidents stemmed from an accumulation of existing prejudices, tensions, and frustrations based on a lack of trust in the rule of law and the justice system. “There is clear lack of trust in the criminal justice system that nothing will happen. The inefficiency of the criminal justice system creates an environment for mob justice,” a professor of politics told FIDH.’<sup>55</sup>

6.5.2 The same report noted:

‘In many cases, people have taken matters into their own hands without handing over a suspect to the police. “People know that if they catch the criminal then the police will take a bribe and release him. So people beat them up,” an interviewee told FIDH.

‘Security forces have generally failed to intervene in cases of mob attacks and fulfill their duty in preserving law and order. Failure on the part of law enforcement agencies to arrest those responsible for such attacks and ensure accountability for those acts, have further eroded the rule of law in the country.’<sup>56</sup>

6.5.3 Between 2009 and 2021, Odhikar data, based on reports sent by local human rights defenders and collected data and information published in various media, recorded 1,240 deaths from what it described as ‘public

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<sup>53</sup> UNCAT, ‘[Concluding observations on the initial report of...](#)’ (paragraph 21), 26 August 2019

<sup>54</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1D), 20 March 2023

<sup>55</sup> FIDH, ‘[Out of control - Human rights and rule of law crises...](#)’ (page 25), December 2021

<sup>56</sup> FIDH, ‘[Out of control - Human rights and rule of law crises...](#)’ (page 25), December 2021

lynching.’, including 40 in 2020 and 29 in 2021<sup>57</sup>. Odhikar recorded 37 such deaths in 2022, attributing this and the deaths in previous years to a ‘... dysfunctional Judiciary, impunity of law enforcement agencies, and corruption have led to a decline in trust in state institutions, leading to a tendency among ordinary people to take the law into their own hands.’<sup>58</sup>

See also [Accountability and impunity](#)

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section updated: 4 September 2023

## 7. Human rights violations

### 7.1 Overview

7.1.1 Most reports on human rights violations by law enforcement agencies focus on the treatment of political opponents or those perceived as such. Therefore, it can be difficult to differentiate between the treatment of those seen as dissenting and the treatment of the general population. For information on political opponents, see the [Country Policy and Information Note on Bangladesh: Political parties and affiliation](#).

7.1.2 In its executive summary, the USSD HR Report 2022 provided an overview of significant human rights issues. In relation to law enforcement agencies and the judiciary, such issues included:

‘... credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearance; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrests or detentions; political prisoners or detainees... serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by a relative...

‘There were numerous reports of widespread impunity for security force abuses and corruption. The government took few measures to identify, investigate, prosecute, and punish officials or security force members who committed human rights abuses or engaged in corruption.’<sup>59</sup>

7.1.3 A December 2021 report by the International Federation for Human Rights (FIDH), based on information gathered from online interviews with 20 individuals, including lawyers, journalists, NGO representatives, diplomats, and UN officials, as well as open source information, noted that:

‘The police have been repeatedly accused of serious human rights abuses, including torture, enforced disappearances, and extrajudicial killings. Particularly notorious is the Detective Branch (DB) of police, a unit of which is present in each Metropolitan and District police divisions. The DB, along with the Criminal Investigation Department and the Special Branch (both of which operate at the headquarters level), is responsible for gathering intelligence and conducting investigations.’<sup>60</sup>

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<sup>57</sup> Odhikar, ‘[Annual Human Rights Report 2021](#)’ (page 10), 31 January 2022

<sup>58</sup> Odhikar, ‘[Annual Human Rights Report 2022](#)’ (page 37), 30 January 2023

<sup>59</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (Exec summary), 20 March 2023

<sup>60</sup> FIDH, ‘[Out of control - Human rights and rule of law crises...](#)’ (page 8), December 2021

#### 7.1.4 The same report noted that:

‘In Bangladesh, law enforcement agencies have often been responsible for undermining, rather than upholding, the rule of law. As documented by numerous reports of national and international NGOs, law enforcement agencies in Bangladesh engage in grave human rights violations – such as extrajudicial killings, torture, arbitrary detentions, and enforced disappearances – with nearly complete impunity. Human rights violations committed by law enforcement agencies have become especially prominent over the past decade. Successive Awami League-backed governments have used law enforcement agencies to quell and silence the political opposition and such agencies have become the ruling party’s main tools to curtail dissent.’<sup>61</sup>

#### 7.1.5 The report by FIDH also stated that ‘Over the years, the RAB has been notorious for operating in disregard of relevant international standards for the conduct of law enforcement and for being involved in the commission of egregious human rights violations. The RAB has been responsible for a large number of extrajudicial killings, arbitrary arrests, and enforced disappearances as part of operations it carried out.’<sup>62</sup>

#### 7.1.6 In December 2021, the US announced sanctions against the RAB ‘for being a foreign entity that is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse.’ Sanctions were also announced against 7 (now former) senior members of the RAB<sup>63</sup>. Human Rights Watch (HRW) noted in its World Report 2023, covering 2022 events, that ‘The government dismissed the allegations that led to sanctions, saying they were “false and fabricated.” In January [2022], Prime Minister Sheikh Hasina awarded two sanctioned RAB officials prestigious police medals for their “bravery and service to the country”.’<sup>64</sup> As of 20 October 2023, the US sanctions remained in place<sup>65</sup>.

See also [Accountability and impunity](#) and [Police efficacy](#).

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## 7.2 Arbitrary arrest and detention

### 7.2.1 The USSD HR Report 2022 noted that although the law prohibits arbitrary arrest and detention:

‘Arbitrary arrests occurred, often in conjunction with political demonstrations or speech, or as part of security force responses to terrorist activity, and the government held persons in detention without specific charges, sometimes to collect information regarding other suspects. The expansiveness of the 1974 Special Powers Act grants legal justification for arrests that would often otherwise be considered arbitrary, since it removes the requirement that arrests be based on crimes that have occurred previously. Human rights activists claimed police falsely constructed cases to target opposition leaders, workers, and supporters, and that the government used the law

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<sup>61</sup> FIDH, ‘[Out of control - Human rights and rule of law crises...](#)’ (page 10), December 2021

<sup>62</sup> FIDH, ‘[Out of control - Human rights and rule of law crises...](#)’ (page 8), December 2021

<sup>63</sup> US Treasury, ‘[Treasury Sanctions Perpetrators of Serious Human Rights...](#)’, 10 December 2021

<sup>64</sup> HRW, ‘[World Report 2023: Bangladesh](#)’, 12 January 2023

<sup>65</sup> OFAC, ‘[Sanctions Search List](#)’, last updated 20 October 2023

enforcement agency to crack down on political rivals.<sup>66</sup>

7.2.2 According to Freedom House's Freedom in the World 2023 report, covering 2022, 'Suspects are routinely subject to arbitrary arrest and detention, demands for bribes, and physical abuse by police... The 1974 Special Powers Act permits arbitrary detention without charge, and the criminal procedure code allows detention without a warrant.'<sup>67</sup>

7.2.3 According to Amnesty International's Bangladesh human rights report covering 2022 events, 'In the first half of December, the police conducted mass arrests of 23,968 individuals nationwide, including at least several hundred opposition party leaders and activists.'<sup>68</sup>

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### 7.3 Torture and ill-treatment

7.3.1 The USSD HR Report 2022 noted that although the law prohibits torture and other cruel, inhuman, or degrading treatment or punishment:

'... local and international human rights organizations and media reported security forces, including those from the intelligence services, police, and soldiers seconded into civilian law enforcement agencies, employed torture and cruel, inhuman, or degrading treatment or punishment. The law allows a magistrate to place a suspect in interrogative custody, known as remand, during which questioning of the suspect may take place without a lawyer present. Human rights organizations alleged many instances of torture occurred during remand. Some victims who filed cases under the Torture and Custodial (Prevention) Act were reportedly harassed and threatened, while some were forced to withdraw their cases due to fear.'<sup>69</sup>

7.3.2 In its 2022 Annual Report, Odhikar noted that 'Even though there are many cases of torture in the country, victims and/or their families do not dare speak out due to fear of harassment and reprisals. Victims of torture or degrading treatment and/or their relatives had to face harassment and intimidation after filing cases against members of law enforcement agencies. It is alleged that the few investigations that are done, are not done impartially.'<sup>70</sup>

7.3.3 The USSD HR Report 2022 stated that:

'According to multiple organizations, including the UN Committee against Torture (UNCAT), security forces reportedly used torture to gather information from alleged militants and members of political opposition parties. These forces reportedly used beatings with iron rods, kneecappings, electric shock, rape and other sexual abuse, and mock executions. Numerous organizations also claimed security forces were involved in widespread and routine commission of torture, occasionally resulting in death, for the purpose of soliciting payment of bribes or obtaining confessions. In March the UNCAT released a statement criticizing the

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<sup>66</sup> USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 1D), 20 March 2023

<sup>67</sup> Freedom House, '[Freedom in the World 2023: Bangladesh](#)' (F2), 2023

<sup>68</sup> Amnesty International, '[The State of the World's Human Rights: Bangladesh](#)', 27 March 2023

<sup>69</sup> USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 1C), 20 March 2023

<sup>70</sup> Odhikar, '[Annual Human Rights Report 2022](#)' (page 33), 30 January 2023

government for its lack of response to its 2019 report, calling on the government to recognize torture as an “urgent concern”; to “cease engaging in the practice of unacknowledged detention”; and to set up an independent commission of inquiry into the RAB.’<sup>71</sup>

7.3.4 At a press conference following a visit to Bangladesh in August 2022, the UN High Commissioner for Human Rights, Michelle Bachelet, said that, for several years, various UN human rights mechanisms, including the UN Committee Against Torture, have been expressing concern over the acts of enforced disappearances, extrajudicial killings and torture in Bangladesh. She also indicated the lack of accountability for such violations<sup>72</sup>.

7.3.5 In its 2022 Annual Report, Odhikar noted that ‘Deaths in custody as a result of torture by law enforcement agencies continued in 2022. It is alleged that when a person dies in custody due to torture, such death is being disguised as “suicide” to cover up the death.’<sup>73</sup> According to Odhikar, 10 people were tortured to death in 2022<sup>74</sup>, 8 in 2021 and 19 in 2020<sup>75</sup>.

See also [Extrajudicial killings](#)

7.3.6 A joint statement made by various human rights organisations and published by OMCT on 24 June 2023 expressed concern ‘... over the ongoing use of torture and degrading treatment in Bangladesh by law-enforcement agencies and security forces, and the systematic lack of remedies for victims.’<sup>76</sup> According to the statement:

‘In Bangladesh, the use of physical and psychological methods of torture and ill-treatment has been a longstanding and widespread practice. Torture is inflicted to extract “confessions”, humiliate the victims, and instil fear. It is routinely used by the state for politically-motivated purposes as a tool to intimidate, extort, and suppress political opponents, dissenting voices, vulnerable groups, and even ordinary citizens. Torture and ill-treatment have been perpetrated by law enforcement officials, intelligence agencies, paramilitary groups, and security forces.’<sup>77</sup>

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## 7.4 Enforced disappearances

7.4.1 The USSD HR Report 2022 noted that:

‘Human rights groups and media reported disappearances and kidnappings continued, allegedly committed by security services... The government made limited efforts to prevent, investigate, or punish such acts. Civil society organizations reported victims of enforced disappearance were mostly opposition leaders, activists, and dissidents. Following alleged disappearances, security forces released some individuals without charge

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<sup>71</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1C), 20 March 2023

<sup>72</sup> OHCHR, ‘[UN High Commissioner for Human Rights Michelle Bachelet...](#)’, 17 August 2022

<sup>73</sup> Odhikar, ‘[Annual Human Rights Report 2022](#)’ (page 33), 30 January 2023

<sup>74</sup> Odhikar, ‘[Annual Human Rights Report 2022](#)’ (page 4), 30 January 2023

<sup>75</sup> Odhikar, ‘[Annual Human Rights Report 2021](#)’ (page 9), 31 January 2022

<sup>76</sup> OMCT, ‘[Bangladesh: End torture and impunity](#)’, 24 June 2023

<sup>77</sup> OMCT, ‘[Bangladesh: End torture and impunity](#)’, 24 June 2023

and arrested others.<sup>78</sup>

- 7.4.2 A 2021 report on enforced disappearances by HRW, in which it verified 86 cases of enforced disappearance since 2010, noted that:  
‘According to Bangladeshi human rights groups, nearly 600 people have been forcibly disappeared by security forces since Prime Minister Hasina took office in 2009. While some victims have been released or produced in court after weeks or months of secret detention, others became victims of extrajudicial killings that are falsely claimed to be deaths during gunfights. Scores are still missing. Many of the victims were critics of the ruling Awami League government.’<sup>79</sup>
- 7.4.3 In its 2022 Annual Report, Odhikar recorded 610 cases of enforced disappearance since 2009<sup>80</sup>. Odhikar documented 21 cases of enforced disappearance in 2022<sup>81</sup>, compared to 23 in 2021 and 31 in 2020<sup>82</sup>. The same source identified 16 more cases in the first 6 months of 2023 (both long and short term)<sup>83</sup>.
- 7.4.4 In March 2022, the domestic think tank, Centre for Governance Studies (CGS) published a report analysing 71 cases of enforced disappearances between 2019 and 2021<sup>84</sup>. Data was gathered from print media and human rights organisations<sup>85</sup>. According to the report, the RAB was responsible for 40% of the disappearances and the Detective Branch of the police was responsible for 30%<sup>86</sup>. The report claimed a third of the disappearance cases were from Dhaka<sup>87</sup>. Most victims were politicians and businesspersons (around 31%), and students made up 11% of the victims<sup>88</sup>.
- 7.4.5 The Asian Human Rights Commission (AHRC) documented, in detail, 623 disappearances during the period between January 2009 and June 2022, most of whom had since been released or formally arrested, though AHRC stated that 153 persons remained disappeared<sup>89</sup>.
- 7.4.6 At a press conference following a visit to Bangladesh in August 2022, the UN High Commissioner for Human Rights, Michelle Bachelet, noted the ‘... continued, alarming allegations of both short-term and long-term enforced disappearances, and concerns about the lack of due process and judicial safeguards.’<sup>90</sup>
- 7.4.7 According to a joint submission by Solidarity Group for Bangladesh to the UN Universal Periodic Review (UPR) (reporting period 1 June 2018 to 31 March 2023):

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<sup>78</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1B), 20 March 2023

<sup>79</sup> HRW, ‘[Bangladesh: 86 Victims of Enforced Disappearance Still Missing](#)’, 16 August 2021

<sup>80</sup> Odhikar, ‘[Annual Human Rights Report 2022](#)’ (page 4), 30 January 2023

<sup>81</sup> Odhikar, ‘[Annual Human Rights Report 2022](#)’ (page 4), 30 January 2023

<sup>82</sup> Odhikar, ‘[Annual Human Rights Report 2021](#)’ (page 9), 31 January 2022

<sup>83</sup> Odhikar, ‘[Three-Month Human Rights Monitoring Report on Bangladesh...](#)’ (page 1), 10 July 2023

<sup>84</sup> CGS, ‘[Where are They? Enforced Disappearances in Bangladesh](#)’, 21 March 2022

<sup>85</sup> CGS, ‘[Where are They? Enforced Disappearances in Bangladesh](#)’ (page 11), 21 March 2022

<sup>86</sup> CGS, ‘[Where are They? Enforced Disappearances in Bangladesh](#)’ (page 5), 21 March 2022

<sup>87</sup> CGS, ‘[Where are They? Enforced Disappearances in Bangladesh](#)’ (page 14), 21 March 2022

<sup>88</sup> CGS, ‘[Where are They? Enforced Disappearances in Bangladesh](#)’ (page 13), 21 March 2022

<sup>89</sup> AHRC, ‘[BANGLADESH: Government Must Bear Responsibilities if Victims...](#)’, 8 September 2022

<sup>90</sup> OHCHR, ‘[UN High Commissioner for Human Rights Michelle Bachelet...](#)’, 17 August 2022

'It has become difficult to determine the exact number of enforced disappearances because incidents have not always been reported in the media, as the families of the disappeared have faced various kinds of pressure and threats from law enforcement agencies to not publicise the incidents. In some cases, although law enforcement agencies denied the arrest, days or months later the arrested persons were produced before the public by the police or handed over to a police station and appeared in court. In other cases, the bodies of the disappeared persons were found. The resurfaced victims of enforced disappearance and/or their family members do not want to speak about their experience, out of fear of further violence. Some people were also reported to have disappeared after they were labelled as "Islamic extremists" in the name of "countering terrorism."'91

- 7.4.8 According to the GoB report to the Working Group of the UPR 'Between 2018-2021, a total of 130,222 persons were reported as missing and 125,159 of them were recovered by LEAs... Numerous abduction allegations against LEAs were proven to be false... Due to the government's effort in rescuing missing persons, punishing deviant LEAs, criminals disguised as LEAs and exposing false accusations, the number of allegations against LEAs have come down to nearly zero in recent years.'92
- 7.4.9 HRW noted that following US sanctions against the RAB in December 2021, '... extrajudicial killings and enforced disappearances [dropped dramatically](#), indicating that authorities have the ability to bring security force abuses under control. However, instead of taking steps toward reform, authorities launched a [campaign of threats and intimidation](#) against human rights defenders and families of victims of enforced disappearances.'93 (see also [Extrajudicial killings](#)).
- 7.4.10 In August 2022, an investigative report by Netra News, a Sweden-based investigative and public interest journalism platform focusing on Bangladesh, exposed details of a secret detention centre, named Aynaghar (House of Mirrors), operated by the Bangladesh's military intelligence agency, the Directorate General of Forces Intelligence (DGFI), to detain 'high-value' victims of enforced disappearance in central Dhaka94.

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## 7.5 Extrajudicial killings

- 7.5.1 The USSD HR Report 2022 noted 'There were numerous reports that the government or its agents committed arbitrary or unlawful killings.'95 The same source noted that the government did not release statistics on the number of killings by security personnel that occurred during law enforcement operations, which were frequently described as 'crossfire killings', 'gunfights', or 'encounter killings'96, defined by DFAT as '... confected conflicts set up by security forces that result in the death of the

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91 FIDH, '[Bangladesh: Human rights report for the... \(UPR\)](#)' (page 4), 5 April 2023

92 GoB, '[National report submitted pursuant to Human Rights...](#)' (paragraph 86), 1 September 2023

93 HRW, '[World Report 2023: Bangladesh](#)', 12 January 2023

94 Netra News, '[Secret prisoners of Dhaka](#)', 14 August 2022

95 USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 1A), 20 March 2023

96 USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 1A), 20 March 2023

victim and plausible deniability for the perpetrator.’<sup>97</sup>

- 7.5.2 In March 2022, the CGS released a report analysing cases of extrajudicial killing between January 2019 and December 2021. Of the 569 sample cases it identified (from print media and human rights organisations) as extrajudicial killings reportedly committed by law enforcement agencies, 288 were allegedly perpetrated by the police and Detective Branch of police, and 162 by the RAB<sup>98</sup>. Overall, most killings were reported as gunfights<sup>99</sup>, and the majority of extrajudicial killings occurred in Cox’s Bazaar<sup>100</sup>.
- 7.5.3 The USSD HR Report 2022 stated that ‘Extrajudicial killings dramatically decreased from the previous year [2021]. Domestic human rights organization Ain o Salish Kendra (ASK) reported 19 individuals died in alleged extrajudicial killings or while in custody, including four in so-called crossfires with law enforcement agencies and eight due to physical torture before or while in custody.’<sup>101</sup>
- 7.5.4 Odhikar recorded 31 extrajudicial killings in 2022, including 7 killed in ‘crossfire’, 12 ‘shot to death’ and 10 ‘tortured to death’<sup>102</sup>, compared to 107 in 2021 (53 ‘crossfire’, 45 ‘shot to death’ and 8 ‘tortured to death’)<sup>103</sup>. The same source identified 8 extrajudicial killings in the first 6 months of 2023<sup>104</sup>.
- 7.5.5 According to a joint submission by Solidarity Group for Bangladesh to the UN Universal Periodic Review (UPR) (reporting period 1 June 2018 to 31 March 2023):

‘Extrajudicial killings have continued in Bangladesh. During Bangladesh’s third UPR cycle, from May 2013 to September 2017, Odhikar documented 845 cases of extrajudicial killings. These kinds of extrajudicial killings have increased since the government embarked on a nationwide “war on drugs” in May 2018. From June 2018 to December 2022, Odhikar documented 1,220 cases (+44% from the third UPR cycle) of extrajudicial killings by law enforcement agencies, including the police, the Rapid Action Battalion (RAB), the Border Guard Bangladesh (BGB), and the Detective Branch (DB) of police.’<sup>105</sup>

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section updated: 4 September 2023

## 8. Rule of law and the judiciary

### 8.1 Structure

#### 8.1.1 The 2022 DFAT report noted that:

‘The Bangladeshi judiciary is based on the British Common Law system... with a Supreme Court and subordinate courts, including the High Court,

<sup>97</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 4.1), 30 November 2022

<sup>98</sup> CGS, ‘[Executions at Will? Extrajudicial Killing by State...](#)’ (pages 15 and 16), 10 March 2022

<sup>99</sup> CGS, ‘[Executions at Will? Extrajudicial Killing by State...](#)’ (page 12), 10 March 2022

<sup>100</sup> CGS, ‘[Executions at Will? Extrajudicial Killing by State...](#)’ (pages 13 and 14), 10 March 2022

<sup>101</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1A), 20 March 2023

<sup>102</sup> Odhikar, ‘[Annual Human Rights Report 2022](#)’ (page 4), 30 January 2023

<sup>103</sup> Odhikar, ‘[Annual Human Rights Report 2021](#)’ (page 11), 31 January 2022

<sup>104</sup> Odhikar, ‘[Three-Month Human Rights Monitoring Report on Bangladesh...](#)’ (page 1), 10 July 2023

<sup>105</sup> FIDH, ‘[Bangladesh: Human rights report for the... \(UPR\)](#)’ (page 3), 5 April 2023

district and local courts and tribunals. The Supreme Court includes its Appellate Division and High Court Division. The High Court has authority over subordinate courts. Lower courts are presided over by a hierarchy of magistrates that includes first- to third-class magistrates and subordinate “additional magistrates”.<sup>106</sup>

8.1.2 For more information on the courts, see [Judicial Portal: Bangladesh](#).

8.1.3 The December 2021 report by FIDH noted that:

‘In addition to the “traditional” court system, newer forms of adjudicatory justice have been implemented in Bangladesh in recent years: village courts and mobile courts. These courts have been established – often with the support of international donors – to address the huge backlog in cases in Bangladeshi courts, which leave defendants and claimants alike often waiting for years before their cases are adjudicated.

‘These forms of alternative justice have come under criticism by some for failing to respect basic tenets of fair trial rights and due process guarantees...’<sup>107</sup>

8.1.4 According to the USSD HR Report 2022, ‘Mobile courts headed by executive branch magistrates rendered immediate verdicts that often included prison terms for defendants who did not have the opportunity for legal representation.’<sup>108</sup> The FIDH report noted ‘This speedy alternative to resolving cases has also been used, according to people interviewed by FIDH, to “go against people you don’t like,” due to the comparative ease of filing cases and obtaining speedy verdicts.’<sup>109</sup>

8.1.5 According to the DFAT report:

‘There are hundreds of “village courts” located throughout Bangladesh. Village courts operate under the Village Court Act 1976 and play a central role in providing access to justice for a significant portion of the population. Village courts apply a broad range of traditional rules, often heavily influenced by traditional religious or customary law, and are also subject to traditional power structures in communities – powerful litigants and their families are more likely to get a favourable outcome.’<sup>110</sup>

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## 8.2 Independence

8.2.1 The law provides for an independent judiciary, but political interference compromised its independence<sup>111 112</sup>.

8.2.2 The December 2021 FIDH report noted that:

‘... the judiciary in Bangladesh is under immense pressure to serve the interest of the government. A constitutional amendment approved by the

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<sup>106</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 5.6), 30 November 2022

<sup>107</sup> FIDH, ‘[Out of control - Human rights and rule of law crises...](#)’ (page 5), December 2021

<sup>108</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1E), 20 March 2023

<sup>109</sup> FIDH, ‘[Out of control - Human rights and rule of law crises...](#)’ (page 5), December 2021

<sup>110</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 5.13), 30 November 2022

<sup>111</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1E), 20 March 2023

<sup>112</sup> Bertelsmann Stiftung, ‘[BTI 2022 Bangladesh Country Report](#)’ (Rule of law), 23 February 2022

Awami League-controlled Parliament in September 2014 to allow Parliament to remove Supreme Court judges was an indication of the government's inclination towards increasing its stronghold on the judiciary... Public trust in the judicial system remains low, as the judiciary is not perceived to be neither independent from the executive branch of government nor fair and impartial in administering justice.<sup>113</sup>

8.2.3 Bertelsmann Stiftung's Transformation Index (BTI) 2022 Bangladesh Country Report, covering the period from 1 February 2019 to 31 January 2021, noted that:

'The judiciary remains bound to the executive in spite of the separation of powers. Lower levels of the judiciary remain heavily politicized. Although Bangladesh's constitution stipulates the independence of the judiciary, both lower and higher courts have remained effectively under the control of the executive branch... Recruitment, promotion, and postings are decided based on political affiliation, and the judiciary exhibits little inclination to assert its independence due to judges' allegiance to partisan political ideology.'<sup>114</sup>

8.2.4 The USSD HR Report 2022 noted that 'The government generally did not respect judicial independence and impartiality. Human rights observers maintained that lower courts sometimes ruled based on influence from or loyalty to political patronage networks, particularly in cases filed against opposition political party supporters.'<sup>115</sup>

8.2.5 Freedom House's Freedom in the World 2023 report stated that:

'Politicization of and pressure against the judiciary persists. The Ministry of Law controls promotions, postings, and transfers of subordinate court judges. Judges face political pressure over their rulings and judicial appointments at all levels are highly politicized.

'In 2017, Supreme Court chief justice Surendra Kumar Sinha retired and fled Bangladesh, saying he was threatened over rulings against the government. In late 2021, he was sentenced in absentia to 11 years' imprisonment on corruption charges his supporters called politically motivated.'<sup>116</sup>

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### 8.3 Fair trial and access to justice

8.3.1 The USSD HR Report 2022 noted that, although the constitution provided for the right to a fair and public trial, this right was not always protected due to corruption, bias and weak human resources<sup>117</sup>. The same source noted that 'Corruption and a substantial backlog of cases hindered the court system, and the granting of extended continuances effectively prevented many defendants from obtaining fair trials.'<sup>118</sup>

8.3.2 In regard to trial procedures, the USSD HR Report 2022 stated that:

'Legal experts noted prosecution witnesses often did not show up in court to

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<sup>113</sup> FIDH, '[Out of control - Human rights and rule of law crises...](#)' (page 20), December 2021

<sup>114</sup> Bertelsmann Stiftung, '[BTI 2022 Bangladesh Country Report](#)' (Rule of law), 23 February 2022

<sup>115</sup> USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 1E), 20 March 2023

<sup>116</sup> Freedom House, '[Freedom in the World 2023: Bangladesh](#)' (F1), 2023

<sup>117</sup> USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 1E), 20 March 2023

<sup>118</sup> USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 1E), 20 March 2023

give oral testimony and there were insufficient judges to handle the pending case load in a timely manner.

‘Defendants do not have the right to a timely trial. Indigent defendants have the right to a public defender, but in many cases public defenders were not well prepared nor adequately acquainted with the details of the case at hand. Trials are conducted in the Bengali language; the government does not provide free interpretation for defendants who cannot understand or speak Bengali.

‘The government frequently did not respect the rights of accused persons to confront prosecution or plaintiff witnesses and present their own witnesses and evidence. Authorities did not always respect the right not to be compelled to testify or confess guilt, and defendants who did not confess were often kept in custody. Some defendants claimed police pressured the accused to confess under duress.’<sup>119</sup> (see also [Torture and ill-treatment](#)).

8.3.3 The USSD HR Report 2022 noted that ‘Observers alleged judges sometimes accepted bribes from attorneys or other court officials for bail or acquittal in criminal cases.’<sup>120</sup>

8.3.4 DFAT’s report noted that ‘The court system has several systemic challenges. Corruption is widespread. Sources told DFAT that the problem is worse in the lower courts. According to sources, cases can continue if bribes are not paid, but it makes an already slow process much slower. Other sources told DFAT that cases can get “stuck”, possibly indefinitely, without bribes.’<sup>121</sup>

8.3.5 Freedom House noted in its 2023 Freedom in the World Report that, ‘Individuals’ ability to access the justice system is compromised by endemic corruption within the courts and severe case backlogs. Pretrial detention is often lengthy, and many defendants lack counsel.’<sup>122</sup>

8.3.6 The DFAT report noted that:

‘There is a large backlog of cases across the court system and some cases take over ten years to resolve, a situation of which vexatious litigants take advantage, to extend legal rulings indefinitely. Having to return to court for various hearings or intermediate proceedings can be particularly difficult for the poor, who must take time off work and pay for travel. The same applies to criminal cases, where prisoners are sometimes held on remand for long periods, or bailed then rearrested in quick succession. Bribe payments can affect these outcomes. Whether long-running cases are eventually dismissed differs from case-to-case. A ruling from a higher court would be necessary to reverse or quash a decision, but this is cost-prohibitive for most Bangladeshis.’<sup>123</sup>

8.3.7 According to the USSD HR Report 2022 ‘Defendants who could not afford an attorney or chose to remain undefended were not eligible for bail during proceedings. The National Legal Aid Services Organization offered some services to defendants who could not afford private attorneys, but access to

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<sup>119</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1E), 20 March 2023

<sup>120</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1E), 20 March 2023

<sup>121</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 5.6), 30 November 2022

<sup>122</sup> Freedom House, ‘[Freedom in the World 2023: Bangladesh](#)’ (F2), 2023

<sup>123</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 5.9), 30 November 2022

those services often required burdensome formalities and extensive periods of time. Many defendants were unaware of these services.<sup>124</sup>

#### 8.3.8 According to the DFAT report:

‘The poor are unlikely to be able to access the courts due to the high costs involved and the need to pay bribes. Court processes are largely paper-based, the bureaucracy is slow and bureaucrats demand bribes merely for moving papers between offices or actioning simple processes. This in turn creates delays and difficulties in verifying documents. It is possible to obtain documents if one is willing to pay (fees and bribes) but widespread fraud also frustrates this process. Court infrastructure (buildings, equipment) is often in poor condition, leading to poor storage and access to records.

‘Legal aid is theoretically available to the poor. This is provided by the government through legal aid officers in every District Court. NGOs also provide legal aid. However, due to funding constraints or other practical difficulties it may not be available to all defendants.’<sup>125</sup>

#### 8.3.9 According to the Bangladesh UN Country Team’s 2022 report, ‘More than 21 million people experiencing poverty can now access village courts, as a consequence of UNDP’s support of the Government’s steps to make justice fairer and more accessible at the grassroots level.’<sup>126</sup>

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### 8.4 Conviction rates

#### 8.4.1 According to The Daily Star, a Bangladeshi daily newspaper published in English, ‘Bangladesh has one of the lowest conviction rates in the world, meaning, most crimes go unpunished, and most criminals are not put to justice. A major reason for this is lack of evidence. In most of the rape and murder cases, the accused are acquitted for lack of witness testimony.’<sup>127</sup>

#### 8.4.2 Information on general conviction rates could not be found amongst the sources consulted (see [Bibliography](#)), although there was a large pre-trial population in detention and death penalties were handed down (see [Prison population](#) and [Death penalty](#)).

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### 8.5 Prison population

#### 8.5.1 The joint submission to the UPR by Solidarity Group for Bangladesh stated that ‘According to information from the Directorate of Prisons, the official capacity of Bangladesh’s 68 prisons, including Dhaka Central Jail, is slightly more than 42,500. However, as of 11 December 2022, Bangladesh’s total prison population crossed 100,000.’<sup>128</sup>

#### 8.5.2 According to the World Prison Brief (WPB), hosted by the Institute for Crime & Justice Policy Research at Birkbeck, University of London, as of 25 November 2022, the prison population stood at 81,156, the majority of whom

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<sup>124</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1E), 20 March 2023

<sup>125</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraphs 5.11 to 5.12), 30 November 2022

<sup>126</sup> UN Bangladesh, ‘[UN Country Team Result Report Bangladesh 2022](#)’ (page 33), April 2023

<sup>127</sup> Daily Star, ‘[The state of witness protection in Bangladesh](#)’, 7 April 2023

<sup>128</sup> FIDH, ‘[Joint submission by Solidarity Group for...](#)’ (page 4, paragraph 30), 5 April 2023

(61,367 or 75.6%) were pre-trial detainees or on remand<sup>129</sup>, who, according to the USSD HR Report 2022, were often incarcerated with convicted prisoners<sup>130</sup>.

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## 8.6 Death penalty

8.6.1 Bangladesh retained the death penalty for ordinary crimes<sup>131</sup>, that is those that do not meet the threshold of “the most serious crimes” within the meaning Article 6 of the [ICCPR]<sup>132,133</sup>. Crimes for which the death penalty may be imposed include murder, terrorism, sedition, espionage, treason, rape, kidnapping and drug trafficking<sup>134</sup>.

8.6.2 The joint submission to the UPR by Solidarity Group for Bangladesh stated that ‘The laws of Bangladesh prescribe the death penalty for 33 offenses. According to information gathered by Odhikar, between June 2018 and December 2022, a total of 1,350 defendants were sentenced to death by lower courts and 13 people were executed by hanging.’<sup>135</sup> Amnesty International recorded at least 169 death sentences imposed in 2022, compared to at least 181 in 2021<sup>136</sup>. In the first 6 months of 2023, 212 people were sentenced to death, according to Odhikar<sup>137</sup>.

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section updated: 4 September 2023

## 9. Avenues of redress

### 9.1 Accountability and impunity

9.1.1 According to the Bangladesh Government, in its report to the UNCAT, October 2019:

‘Bangladesh Police has put in place a well-established administrative mechanism to take departmental actions against police officers responsible for any kind of misconduct (including those amounting to torture). Any aggrieved person may lodge complaint to the superior police officials about custodial or non-custodial torture. The laws concerning administrative actions against police members include the Police Officers (Special Provisions) Ordinance, 1976; the Police Regulations, Bengal–1943; and the Government Servants (Discipline and Appeal) Rules, 1985. The aforesaid laws set out comprehensive procedures for taking disciplinary actions against the guilty police personnel. The Police Officers (Special Provisions) Ordinance, 1976 has incorporated disciplinary measures including (i) dismissal from service; (ii) removal from service; (iii) discharge from service;

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<sup>129</sup> WPB, ‘[Bangladesh](#)’, November 2022

<sup>130</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1C), 20 March 2023

<sup>131</sup> Amnesty International, ‘[Death sentences and executions 2022](#)’ (page 41), 16 May 2023

<sup>132</sup> FIDH, ‘[Bangladesh: Stakeholder Report for the \[UPR\]](#)’ (page 4, paragraph 9), 5 April 2023

<sup>133</sup> OHCHR, ‘[International Covenant on Civil and Political Rights](#)’ (Article 6), 16 December 1966

<sup>134</sup> Cornell Law School, ‘[Cornell Centre on Death Penalty Worldwide: Bangladesh](#)’ (3.2), 22 April 2020

<sup>135</sup> FIDH, ‘[Joint submission by Solidarity Group for...](#)’ (page 8, paragraph 53), 5 April 2023

<sup>136</sup> Amnesty International, ‘[Death sentences and executions 2022](#)’ (page 12), 16 May 2023

<sup>137</sup> Odhikar, ‘[Three-Month Human Rights Monitoring Report on...](#)’ (page 1), 10 July 2023

(iv) compulsory retirement; (v) reduction to lower rank.<sup>138</sup>

9.1.2 The GoB report to the Working Group on the UPR, dated 1 September 2023, stated that ‘If any LEA personnel breaks the law or is found to have unlawfully exercised force or authority, they invariably face appropriate punishment, including departmental and criminal charges. Since 2015, 1,692 criminal cases have been filed against LEA personnel. In the same time, major departmental punishments were given to 8,488 police personnel and minor punishments to 108,833 personnel.’<sup>139</sup>

9.1.3 Despite mechanisms being in place, sources indicated a general lack of accountability for human rights abuses<sup>140 141 142</sup> (see [Human rights violations](#)).

9.1.4 The December 2021 FIDH report stated that:

‘Over the years, members of law enforcement agencies have grown increasingly emboldened to commit human rights violations as a result of their complete lack of accountability.

‘Several individuals interviewed for this report stated that law enforcement agencies in Bangladesh act outside any sort of organized or centralized control. Individuals with knowledge of the Bangladeshi political system interviewed for this report expressed significant concerns over the increasing lack of control by the executive over numerous law enforcement agencies, which are now seen as operating outside of the law. “Law enforcement agencies can hardly be controlled anymore. The government doesn’t know how to handle the police and especially the special forces, such as RAB, anymore. Nobody knows who actually controls the law enforcement institutions throughout the country,” a foreign diplomat told FIDH.

‘The failure by the government to rein in and hold accountable law enforcement officers who are involved in human rights abuse is a contributing factor to impunity for abuses, which, in turn, results in the failure by law enforcement agencies to follow due process.’<sup>143</sup>

9.1.5 The USSD HR Report 2022 noted that:

‘Police policy requires internal investigations of all significant uses of force by police, including actions that resulted in serious physical injury or death, usually by a professional standards unit that reports directly to the inspector general of police. The government, however, neither released official statistics on total killings by security personnel nor took transparent measures to investigate cases. Human rights groups expressed skepticism regarding the independence and professional standards of the units conducting these assessments and claimed citizens were being deprived of justice. In the few known instances in which the government brought charges, those found guilty generally received administrative punishment.’<sup>144</sup>

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<sup>138</sup> UNCAT, ‘[Initial report submitted by Bangladesh...](#)’ (paragraph 15), 3 October 2019

<sup>139</sup> GoB, ‘[National report submitted pursuant to Human Rights...](#)’ (paragraph 84), 1 September 2023

<sup>140</sup> FIDH, ‘[Out of control - Human rights and rule of law crises...](#)’ (page 18), December 2021

<sup>141</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1C), 20 March 2023

<sup>142</sup> DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 5.2), 30 November 2022

<sup>143</sup> FIDH, ‘[Out of control - Human rights and rule of law crises...](#)’ (page 18), December 2021

<sup>144</sup> USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 1A), 20 March 2023

- 9.1.6 A December 2022 joint statement by human rights organisations, said ‘Members of law enforcement agencies and security forces enjoy impunity as the incumbent government uses them to implement its political agenda.’<sup>145</sup>
- 9.1.7 In October 2022, The Daily Star reported:  
 ‘Complaints about police’s involvement in various crimes continue to pile up thanks to lenient disciplinary measures that embolden errant cops, say criminologists and legal experts.  
 ‘The complaints range from extortion, abduction, and torture, to bribery, drug dealing, framing people and unlawful detention. The offenders inside the force range from the ranks of superintendent of police to constables.  
 ‘Police themselves investigate allegations against its members and mete out departmental punishments to many, while a few also face criminal charges.  
 ‘Yet, their involvement in crimes continue because the punishments of police personnel often do not match the severity of their crimes or offences, said experts.’<sup>146</sup>
- 9.1.8 The same article noted that some punitive measures had been taken against police officials:  
 ‘Around 9.6 percent of the force of 2.13 lakh [213,000] law enforcers faced departmental action in 2021 alone, according to data the Bangladesh government provided to the UN Office of the High Commissioner for Human Rights on May 12, 2022.  
 ‘From 2015 to 2021, that number was 1.17 [117,000] lakh or 55 percent of the total force. At least 1,692 criminal cases were filed against members of the force during that period.  
 ‘In 2021, a total of 17,966 members faced minor action like warnings, reprimands, or temporary wage cuts, and 2,388 faced major consequences like termination, suspension or demotions, according to the data.’<sup>147</sup>
- 9.1.9 In January 2022 it was reported by Benar News that 2 policemen in south-eastern Bangladesh were convicted and sentenced to death for the extra-judicial killing of a retired army major. The report added that ‘The trial and conviction of police personnel for so-called gunfights is relatively uncommon in a country where rights groups say police as well as an elite multi-force unit known as the Rapid Action Battalion have killed hundreds with impunity.’<sup>148</sup>
- 9.1.10 Deutsche Welle (DW) reported in March 2023, ‘As it stands, relatives of those killed or missing are unlikely to ever receive justice: investigations by Bangladeshi authorities into RAB officers are rare, especially when they would concern extrajudicial killings, torture or enforced disappearances... RAB is “beyond any control,” a human rights activist in Dhaka tells DW, saying no one can hold them accountable.’<sup>149</sup>

<sup>145</sup> Forum-Asia, [‘\[Joint Statement\] Bangladesh: Government must stop human...’](#), 9 December 2022

<sup>146</sup> The Daily Star, [‘Errant cops: Leniency lends them impunity’](#), 4 October 2022

<sup>147</sup> The Daily Star, [‘Errant cops: Leniency lends them impunity’](#), 4 October 2022

<sup>148</sup> Benar News, [‘2 Bangladesh ex-Cops Get Death Sentence for Gunning Down...’](#), 31 January 2022

<sup>149</sup> DW, [‘Death squad’: Inside Bangladesh’s Rapid Action Battalion’](#), 4 March 2023

- 9.1.11 In February 2023 HRW noted that '[Only one case of torture has ever been convicted](#)' under Bangladesh's Torture and Custodial Death (Prevention) Act since it was passed a decade ago, according to media reports.<sup>150</sup> OMCT noted in June 2023 that '... members of law enforcement agencies have rarely been held [accountable](#) for these violations, but rather enjoy impunity as implicit validation by the government for their role in the suppression of political opponents, government critics, and dissidents.'<sup>151</sup>
- 9.1.12 A [response](#) by the Research Directorate of the Immigration and Refugee Board of Canada (IRB) 'prepared after researching publicly accessible information currently available to the Research Directorate within time constraints' dated 4 January 2022, provided information on the requirements and procedures to file a complaint with the police, including for individuals falsely accused of a crime<sup>152</sup>.

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## 9.2 National human rights commissions

### 9.2.1 According to the USSD HR Report 2022:

'The National Human Rights Commission (NHRC) has seven members, including five honorary positions. The NHRC's primary activities are to investigate human rights abuses, address discrimination in law, educate the public on human rights, and advise the government on key human rights matters. Most human rights organizations questioned the independence and effectiveness of the NHRC, alleging the government used state institutions including the NHRC to implement its political agenda.'<sup>153</sup>

### 9.2.2 A joint submission for the fourth Universal Periodic Review (UPR) by FIDH and 12 other organisations (known as Solidarity Group for Bangladesh), dated 5 April 2023, noted that 'The legal framework governing the composition and functioning of the NHRC remains largely inconsistent with the Paris Principles. As a result, the government has taken the opportunity to select and appoint NHRC members who are not independent, through a process that lacked transparency.'<sup>154</sup>

### 9.2.3 The same source noted the appointment of a former Home Secretary as NHRC Chair in December 2022, a former Ministry of Railway Secretary as a full-time member, and the appointment of 5 other members without independent scrutiny<sup>155</sup>. The report added 'The NHRC has failed to win the trust of the people because it has remained largely silent amid the ongoing commission of serious human rights violations, including enforced disappearances, torture, and extrajudicial killings in the country.'<sup>156</sup>

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## 9.3 Witness protection

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<sup>150</sup> HRW, '[Allegations of Bangladesh Police Torture, Illegal Detentions](#)', 3 February 2023

<sup>151</sup> OMCT, '[Bangladesh: End torture and impunity](#)', 24 June 2023

<sup>152</sup> IRB, '[Bangladesh: Requirements and procedures to file a complaint with the...](#)', 4 January 2022

<sup>153</sup> USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 5), 20 March 2023

<sup>154</sup> FIDH, '[Joint submission by Solidarity Group for...](#)' (page 2, paragraph 15), 5 April 2023

<sup>155</sup> FIDH, '[Joint submission by Solidarity Group for...](#)' (page 2, paragraph 16), 5 April 2023

<sup>156</sup> FIDH, '[Joint submission by Solidarity Group for...](#)' (page 3, paragraph 18), 5 April 2023

9.3.1 There is no witness protection law or scheme operating in Bangladesh<sup>157</sup> <sup>158</sup>.

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<sup>157</sup> Daily Star, [‘The state of witness protection in Bangladesh’](#), 7 April 2023

<sup>158</sup> Rahman, T, [‘Witness Protection Laws in Bangladesh’](#), 22 October 2022

# Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

All the COI included in the note was published or made publicly available on or before the 'cut-off' date(s). Any event taking place or report/article published after these date(s) is not included.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Wherever possible, multiple sourcing is used and the COI compared and contrasted to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal framework
  - Constitution
  - Penal code/criminal code
  - laws, policies or programmes applicable to protection
- Security apparatus
  - Police
  - Rapid Action Battalion (RAB)
- Levels of crime
- Capabilities of the security forces
  - Effectiveness
  - Corruption
- Human rights violations
  - Arbitrary arrest and detention
  - Torture and ill-treatment
  - Disappearances
  - Extra-judicial killings
- Rule of law and the judiciary
  - Structure
  - Independence
  - Fair trial, access to justice
- Avenues of redress
  - Accountability and impunity
  - Witness protection
  - National human rights commission
- Criminal justice system
  - Prison conditions
  - Death penalty

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# Version control and feedback

## Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **28 November 2023**

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### Official – sensitive: Not for disclosure – Start of section

The information on this page has been removed as it is restricted for internal Home Office use.

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### Official – sensitive: Not for disclosure – End of section

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## Changes from last version of this note

Updated country information and assessment

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## Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

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## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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